

**UNITED STATES COURT OF APPEALS
FOURTH CIRCUIT**

UNITED STATES OF AMERICA	:	
Appellee	:	
v.	:	Case Nos. 25-6114
	:	
BRIAN HILL	:	
Appellant	:	

RESPONSE TO JURISDICTIONAL QUERY

During the course of challenging a proposed modification to his conditions of supervised release, Brian Hill sought to change his court-appointed attorney. The district court denied that request, *see* Case No. 4:20-cr-00027 (W.D. Va.), Dkt. No. 33; Mr. Hill appealed pro se, *see* Dkt. No. 1; and this Court requested each party address whether there is jurisdiction for an appeal, Dkt. No. 2.

The answer is simple—no. An order denying a request to substitute counsel is not a final order, so it does not provide jurisdiction for an appeal. *See* 18 U.S.C. § 1291. Nor is it an appealable collateral order, because it is not wholly separate from the merits of Mr. Hill’s supervised-release dispute, and would otherwise be reviewable on appeal from a final judgment. *See, e.g., Shipbuilders Council of America v. U.S. Coast Guard*, 578 F.3d 234, 239 (4th Cir. 2009) (describing

collateral order doctrine). Additionally, after the notice of appeal was filed, Mr. Hill consented to the proposed modifications of his supervised-release conditions. *See* Case No. 4:20-cr-00027 (W.D. Va.), Dkt. Nos. 42, 44. So there is also no jurisdiction because the appeal is moot (i.e., there is no longer a live question about whether Mr. Hill should be allowed to swap attorneys), and there is no adverse judgment for Mr. Hill to appeal.

Accordingly, the Court should dismiss this appeal for want of jurisdiction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

s/ Jonathan Jones
Assistant United States Attorney